

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
POUGHKEEPSIE DIVISION

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IN RE:

CARRIE SHU-CHUEN KONG,

**CHAPTER 7
CASE NO. 23-35211 (CGM)**

Debtor(s).

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**ORDER FINDING A VIOLATION OF THE AUTOMATIC STAY PROVIDED
BY 11 U.S.C. §362(a) AND AWARDING DEBTOR'S ATTORNEYS' FEES, COSTS AND
DISBURSEMENTS, AND PUNITIVE DAMAGES PURSUANT TO 11 U.S.C. §362(k)**

The attorneys for the Debtor in the above-referenced case, GENOVA, MALIN & TRIER, LLP, having moved this Court for an Order pursuant to 11 U.S.C. §362(a), finding that NOZOMI TOKIWA violated the automatic stay by commencing litigation against the Debtor post-petition and continuing attempts to collect pre-petition sums due pursuant to 11 U.S.C. §362(k) as set forth in the Affirmation of MICHELLE L. TRIER, ESQ., affirmed on April 8, 2024; and upon reading and filing the Notice of said Motion, dated April 8, 2024, and the reading and filing of the Opposition and Cross-Motion filed by NOZOMI TOKIWA on May 7, 2024; and after hearing MICHELLE L. TRIER, ESQ., in support of the motion on May 14, 2024; and after hearing MICHAEL CURRAN, ESQ., in opposition to the motion; and due deliberation having been had thereon,

NOW, on motion of GENOVA, MALIN & TRIER, LLP, attorneys for the Debtor, pursuant to 11 U.S.C. §§362(a) and 362(k), it is

ORDERED, that NOZOMI TOKIWA willfully violated the automatic stay provided under 11 U.S.C. §362(a); and it is further

ORDERED, that the Debtor is hereby awarded the total sum of TWO THOUSAND ONE HUNDRED TWENTY-SIX DOLLARS AND SEVENTY-TWO CENTS (\$2,126.72),

representing the attorneys' fees and the costs and disbursements incurred in the filing of the contempt motion against NOZOMI TOKIWA, and that the Debtor has a judgment therefor; and it is further

ORDERED, that the Debtor is hereby awarded the sum of ONE THOUSAND DOLLARS (\$1,000.00) in punitive damages, and that the Debtor has a judgment therefor; and it is further

ORDERED, that NOZOMI TOKIWA pay the sums awarded herein within ten (10) business days of the entry of this Order made payable to the firm of GENOVA, MALIN & TRIER, LLP; and it is further

ORDERED, that NOZOMI TOKIWA's cross-motion as Opposition to the Debtor's Motion for Sanctions and to reinstate claim against the Debtor, filed on May 7, 2024, is hereby denied.

Dated: May 15, 2024
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge